

**BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation)	
Against:)	
)	
GARY SCOTT RINZLER, M.D.)	Case No. 02-2011-218274
)	
Physician's and Surgeon's)	
Certificate No. G 67994)	
)	
Respondent)	
_____)	


DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted as the Decision and Order of the Medical Board of California, Department of Consumer Affairs, State of California.

This Decision shall become effective at 5:00 p.m. on September 19, 2014.

IT IS SO ORDERED: August 21, 2014.

MEDICAL BOARD OF CALIFORNIA

By:  MD
Dev Gnanadev, M.D., Chair
Panel B

1 KAMALA D. HARRIS
Attorney General of California
2 THOMAS S. LAZAR
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9
10 **BEFORE THE**
MEDICAL BOARD OF CALIFORNIA
11 **DEPARTMENT OF CONSUMER AFFAIRS**
12 **STATE OF CALIFORNIA**

13
14 In the Matter of the Accusation Against:

Case No. 02-2011-218274

15 **GARY SCOTT RINZLER, M.D.**
3701 J Street, Suite 207
16 Sacramento, CA 95816

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

17 Physician's and Surgeon's Certificate No. G 67994

18 Respondent.
19
20

21 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
22 entitled proceedings that the following matters are true:

23 PARTIES

24 1. Kimberly Kirchmeyer ("Complainant") is the Executive Director of the Medical
25 Board of California. She brought this action solely in her official capacity and is represented in
26 this matter by Kamala D. Harris, Attorney General of the State of California, by Jannsen Tan,
27 Deputy Attorney General.

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2. Respondent Gary Scott Rinzler, M.D. ("Respondent") is represented in this proceeding by Stephen Michael Boreman, Esq., Slote, Links & Boreman, LLP, whose address is 815 Morningside Drive, Folsom, CA 95630.

3. On or about February 5, 1990, the Medical Board of California issued Physician's and Surgeon's Certificate No. G 67994 to Gary Scott Rinzler, M.D. (Respondent). The Physician's and Surgeon's Certificate was in full force and effect at all times relevant to the charges brought in Accusation No. 02-2011-218274 and will expire on May 31, 2015, unless renewed.

JURISDICTION

4. On August 27, 2013, Complainant, Kimberly Kirchmeyer, in her then official capacity as the Interim Executive Director of the Board, filed Accusation No. 02-2011-218274 against Respondent. On August 27, 2013, Respondent was served with a true and correct copy of Accusation No. 02-2011-218274, together with true and correct copies of all other statutorily required documents, at his address of record on file with the Board which was and is: 3701 J Street, Suite 207, Sacramento, CA 95816. A true and correct copy of Accusation No. 02-2011-218274 is attached hereto as Exhibit "A" and incorporated by reference as if fully set forth herein. On or about September 12, 2013, Respondent filed a Notice of Defense and requested a hearing on the charges and allegations contained in Accusation No. 02-2011-218274.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, fully discussed with counsel, and fully understands the charges and allegations in Accusation No. 02-2011-218274. Respondent has also carefully read, fully discussed with counsel, and fully understands the effects of this Stipulated Settlement and Disciplinary Order.

6. Respondent is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in Accusation No. 02-2011-218274; the right to confront and cross-examine the witnesses against him; the right to present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision;

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1 and all other rights accorded by the California Administrative Procedure Act, the California Code
2 of Civil Procedure and other applicable laws, having been fully advised of same by his attorney of
3 record, Stephen Michael Boreman, Esq.

4 7. Respondent, having the benefit of counsel, hereby voluntarily, knowingly, and
5 intelligently waives and gives up each and every right set forth above.

6 **CULPABILITY**

7 8. Respondent does not contest that, at an administrative hearing, Complainant could
8 establish a *prima facie* case with respect to the charges and allegations contained in Accusation
9 No. 02-2011-218274, a true and correct copy of which is attached hereto as Exhibit "A", and that
10 he has thereby subjected his Physician's and Surgeon's Certificate No. G 67994 to disciplinary
11 action.

12 9. Respondent agrees that if he ever petitions for early termination or modification of
13 probation, or if an accusation and/or petition to revoke probation is filed against him, before the
14 Medical Board of California, all of the charges and allegations contained in Accusation No. 02-
15 2011-218274 shall be deemed true, correct and fully admitted by Respondent for purposes of that
16 proceeding or any other licensing proceeding involving Respondent in the State of California.

17 10. Respondent agrees that his Physician's and Surgeon's Certificate No. G 67994 is
18 subject to discipline and he agrees to be bound by the Board's imposition of discipline as set forth
19 in the Disciplinary Order below.

20 **CONTINGENCY**

21 11. The parties agree that this Stipulated Settlement and Disciplinary Order shall be
22 submitted to the Board for its consideration in the above-entitled matter and, further, that the
23 Board shall have a reasonable period of time in which to consider and act on this Stipulated
24 Settlement and Disciplinary Order after receiving it. By signing this stipulation, Respondent fully
25 understands and agrees that he may not withdraw his agreement or seek to rescind this stipulation
26 prior to the time that the Board considers and acts upon it.

27 12. The parties agree that this Stipulated Settlement and Disciplinary Order shall be
28 null and void and not binding upon the parties unless approved and adopted by the Board, except

1 for this paragraph, which shall remain in full force and effect. Respondent fully understands and
2 agrees that in deciding whether or not to approve and adopt this Stipulated Settlement and
3 Disciplinary Order, the Board may receive oral and written communications from its staff and/or
4 the Attorney General's office. Communications pursuant to this paragraph shall not disqualify the
5 Board, any member thereof, and/or any other person from future participation in this or any other
6 matter affecting or involving Respondent. In the event that the Board, in its discretion, does not
7 approve and adopt this Stipulated Settlement and Disciplinary Order, with the exception of this
8 paragraph, it shall not become effective, shall be of no evidentiary value whatsoever, and shall
9 not be relied upon or introduced in any disciplinary action by either party hereto. Respondent
10 further agrees that should the Board reject this Stipulated Settlement and Disciplinary Order for
11 any reason, Respondent will assert no claim that the Board, or any member thereof, was
12 prejudiced by its/his/her review, discussion and/or consideration of this Stipulated Settlement and
13 Disciplinary Order or of any matter or matters related hereto.

14 **ADDITIONAL PROVISIONS**

15 13. This Stipulated Settlement and Disciplinary Order is intended by the parties herein
16 to be an integrated writing representing the complete, final and exclusive embodiment of the
17 agreements of the parties in the above-entitled matter.

18 14. The parties agree that copies of this Stipulated Settlement and Disciplinary Order,
19 including copies of the signatures of the parties, may be used in lieu of original documents and
20 signatures and, further, that such copies shall have the same force and effect as originals.

21 15. In consideration of the foregoing admissions and stipulations, the parties agree the
22 Board may, without further notice to or opportunity to be heard by Respondent, issue and enter
23 the following Disciplinary Order:

24 **DISCIPLINARY ORDER**

25 IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. G 67994 issued
26 to Respondent Gary Scott Rinzler, M.D. (Respondent) is revoked. However, the revocation is
27 stayed and Respondent is placed on probation for five (5) years from the effective date of this
28 decision on the following terms and conditions.

1 1. CONTROLLED SUBSTANCES- MAINTAIN RECORDS AND ACCESS TO
2 RECORDS AND INVENTORIES. Respondent shall maintain a record of all controlled
3 substances ordered, prescribed, dispensed, administered, or possessed by Respondent, and any
4 recommendation or approval which enables a patient or patient's primary caregiver to possess or
5 cultivate marijuana for the personal medical purposes of the patient within the meaning of Health
6 and Safety Code section 11362.5, during probation, showing all the following: 1) the name and
7 address of patient; 2) the date; 3) the character and quantity of controlled substances involved;
8 and 4) the indications and diagnosis for which the controlled substances were furnished.

9 Respondent shall keep these records in a separate file or ledger, in chronological order. All
10 records and any inventories of controlled substances shall be available for immediate inspection
11 and copying on the premises by the Board or its designee at all times during business hours and
12 shall be retained for the entire term of probation.

13 2. EDUCATION COURSE. Within 60 calendar days of the effective date of this
14 Decision, and on an annual basis thereafter, Respondent shall submit to the Board or its designee
15 for its prior approval educational program(s) or course(s) which shall not be less than 40 hours
16 per year, for each year of probation. The educational program(s) or course(s) shall be aimed at
17 correcting any areas of deficient practice or knowledge and shall be Category I certified. The
18 educational program(s) or course(s) shall be at Respondent's expense and shall be in addition to
19 the Continuing Medical Education (CME) requirements for renewal of licensure. Following the
20 completion of each course, the Board or its designee may administer an examination to test
21 Respondent's knowledge of the course. Respondent shall provide proof of attendance for 65
22 hours of CME of which 40 hours were in satisfaction of this condition.

23 3. PRESCRIBING PRACTICES COURSE. Within 60 calendar days of the effective
24 date of this Decision, Respondent shall enroll in a course in prescribing practices equivalent to the
25 Prescribing Practices Course at the Physician Assessment and Clinical Education Program,
26 University of California, San Diego School of Medicine (Program), approved in advance by the
27 Board or its designee. Respondent shall provide the program with any information and documents
28 that the Program may deem pertinent. Respondent shall participate in and successfully complete

1 the classroom component of the course not later than six (6) months after Respondent's initial
2 enrollment. Respondent shall successfully complete any other component of the course within
3 one (1) year of enrollment. The prescribing practices course shall be at Respondent's expense
4 and shall be in addition to the Continuing Medical Education (CME) requirements for renewal of
5 licensure.

6 A prescribing practices course taken after the acts that gave rise to the charges in the
7 Accusation, but prior to the effective date of the Decision may, in the sole discretion of the Board
8 or its designee, be accepted towards the fulfillment of this condition if the course would have
9 been approved by the Board or its designee had the course been taken after the effective date of
10 this Decision.

11 Respondent shall submit a certification of successful completion to the Board or its
12 designee not later than 15 calendar days after successfully completing the course, or not later than
13 15 calendar days after the effective date of the Decision, whichever is later.

14 4. MEDICAL RECORD KEEPING COURSE. Within 60 calendar days of the effective
15 date of this Decision, Respondent shall enroll in a course in medical record keeping equivalent to
16 the Medical Record Keeping Course offered by the Physician Assessment and Clinical Education
17 Program, University of California, San Diego School of Medicine (Program), approved in
18 advance by the Board or its designee. Respondent shall provide the program with any information
19 and documents that the Program may deem pertinent. Respondent shall participate in and
20 successfully complete the classroom component of the course not later than six (6) months after
21 Respondent's initial enrollment. Respondent shall successfully complete any other component of
22 the course within one (1) year of enrollment. The medical record keeping course shall be at
23 Respondent's expense and shall be in addition to the Continuing Medical Education (CME)
24 requirements for renewal of licensure.

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1 A medical record keeping course taken after the acts that gave rise to the charges in the
2 Accusation, but prior to the effective date of the Decision may, in the sole discretion of the Board
3 or its designee, be accepted towards the fulfillment of this condition if the course would have
4 been approved by the Board or its designee had the course been taken after the effective date of
5 this Decision.

6 Respondent shall submit a certification of successful completion to the Board or its
7 designee not later than 15 calendar days after successfully completing the course, or not later than
8 15 calendar days after the effective date of the Decision, whichever is later.

9 5. PROFESSIONALISM PROGRAM (ETHICS COURSE). Within 60 calendar days of
10 the effective date of this Decision, Respondent shall enroll in a professionalism program, that
11 meets the requirements of Title 16, California Code of Regulations (CCR) section 1358.
12 Respondent shall participate in and successfully complete that program. Respondent shall
13 provide any information and documents that the program may deem pertinent. Respondent shall
14 successfully complete the classroom component of the program not later than six (6) months after
15 Respondent's initial enrollment, and the longitudinal component of the program not later than the
16 time specified by the program, but no later than one (1) year after attending the classroom
17 component. The professionalism program shall be at Respondent's expense and shall be in
18 addition to the Continuing Medical Education (CME) requirements for renewal of licensure.

19 A professionalism program taken after the acts that gave rise to the charges in the
20 Accusation, but prior to the effective date of the Decision may, in the sole discretion of the Board
21 or its designee, be accepted towards the fulfillment of this condition if the program would have
22 been approved by the Board or its designee had the program been taken after the effective date of
23 this Decision.

24 Respondent shall submit a certification of successful completion to the Board or its
25 designee not later than 15 calendar days after successfully completing the program or not later
26 than 15 calendar days after the effective date of the Decision, whichever is later.

27 6. NOTIFICATION. Within seven (7) days of the effective date of this Decision, the
28 Respondent shall provide a true copy of this Decision and Accusation to the Chief of Staff or the

1 Chief Executive Officer at every hospital where privileges or membership are extended to
2 Respondent, at any other facility where Respondent engages in the practice of medicine,
3 including all physician and locum tenens registries or other similar agencies, and to the Chief
4 Executive Officer at every insurance carrier which extends malpractice insurance coverage to
5 Respondent. Respondent shall submit proof of compliance to the Board or its designee within 15
6 calendar days.

7 This condition shall apply to any change(s) in hospitals, other facilities or insurance carrier.

8 7. SUPERVISION OF PHYSICIAN ASSISTANTS. During probation, Respondent is
9 prohibited from supervising physician assistants.

10 8. OBEY ALL LAWS. Respondent shall obey all federal, state and local laws, all rules
11 governing the practice of medicine in California and remain in full compliance with any court
12 ordered criminal probation, payments, and other orders.

13 9. QUARTERLY DECLARATIONS. Respondent shall submit quarterly declarations
14 under penalty of perjury on forms provided by the Board, stating whether there has been
15 compliance with all the conditions of probation.

16 Respondent shall submit quarterly declarations not later than 10 calendar days after the end
17 of the preceding quarter.

18 10. GENERAL PROBATION REQUIREMENTS.

19 Compliance with Probation Unit

20 Respondent shall comply with the Board's probation unit and all terms and conditions of
21 this Decision.

22 Address Changes

23 Respondent shall, at all times, keep the Board informed of Respondent's business and
24 residence addresses, email address (if available), and telephone number. Changes of such
25 addresses shall be immediately communicated in writing to the Board or its designee. Under no
26 circumstances shall a post office box serve as an address of record, except as allowed by Business
27 and Professions Code section 2021(b).

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1 Place of Practice

2 Respondent shall not engage in the practice of medicine in Respondent's or patient's place
3 of residence, unless the patient resides in a skilled nursing facility or other similar licensed
4 facility.

5 License Renewal

6 Respondent shall maintain a current and renewed California physician's and surgeon's
7 license.

8 Travel or Residence Outside California

9 Respondent shall immediately inform the Board or its designee, in writing, of travel to any
10 areas outside the jurisdiction of California which lasts, or is contemplated to last, more than thirty
11 (30) calendar days.

12 In the event Respondent should leave the State of California to reside or to practice
13 Respondent shall notify the Board or its designee in writing 30 calendar days prior to the dates of
14 departure and return.

15 11. INTERVIEW WITH THE BOARD OR ITS DESIGNEE. Respondent shall be
16 available in person upon request for interviews either at Respondent's place of business or at the
17 probation unit office, with or without prior notice throughout the term of probation.

18 12. NON-PRACTICE WHILE ON PROBATION. Respondent shall notify the Board or
19 its designee in writing within 15 calendar days of any periods of non-practice lasting more than
20 30 calendar days and within 15 calendar days of Respondent's return to practice. Non-practice is
21 defined as any period of time Respondent is not practicing medicine in California as defined in
22 Business and Professions Code sections 2051 and 2052 for at least 40 hours in a calendar month
23 in direct patient care, clinical activity or teaching, or other activity as approved by the Board. All
24 time spent in an intensive training program which has been approved by the Board or its designee
25 shall not be considered non-practice. Practicing medicine in another state of the United States or
26 Federal jurisdiction while on probation with the medical licensing authority of that state or
27 jurisdiction shall not be considered non-practice. A Board-ordered suspension of practice shall
28 not be considered as a period of non-practice.

1 In the event Respondent's period of non-practice while on probation exceeds 18 calendar
2 months, Respondent shall successfully complete a clinical training program that meets the criteria
3 of Condition 18 of the current version of the Board's "Manual of Model Disciplinary Orders and
4 Disciplinary Guidelines" prior to resuming the practice of medicine.

5 Respondent's period of non-practice while on probation shall not exceed two (2) years.

6 Periods of non-practice will not apply to the reduction of the probationary term.

7 Periods of non-practice will relieve Respondent of the responsibility to comply with the
8 probationary terms and conditions with the exception of this condition and the following terms
9 and conditions of probation: Obey All Laws; and General Probation Requirements.

10 13. COMPLETION OF PROBATION. Respondent shall comply with all financial
11 obligations (e.g., restitution, probation costs) not later than 120 calendar days prior to the
12 completion of probation. Upon successful completion of probation, Respondent's certificate shall
13 be fully restored.

14 14. VIOLATION OF PROBATION. Failure to fully comply with any term or condition
15 of probation is a violation of probation. If Respondent violates probation in any respect, the
16 Board, after giving Respondent notice and the opportunity to be heard, may revoke probation and
17 carry out the disciplinary order that was stayed. If an Accusation, or Petition to Revoke Probation,
18 or an Interim Suspension Order is filed against Respondent during probation, the Board shall have
19 continuing jurisdiction until the matter is final, and the period of probation shall be extended until
20 the matter is final.

21 15. LICENSE SURRENDER. Following the effective date of this Decision, if
22 Respondent ceases practicing due to retirement or health reasons or is otherwise unable to satisfy
23 the terms and conditions of probation, Respondent may request to surrender his or her license.
24 The Board reserves the right to evaluate Respondent's request and to exercise its discretion in
25 determining whether or not to grant the request, or to take any other action deemed appropriate
26 and reasonable under the circumstances. Upon formal acceptance of the surrender, Respondent
27 shall within 15 calendar days deliver Respondent's wallet and wall certificate to the Board or its
28 designee and Respondent shall no longer practice medicine. Respondent will no longer be subject

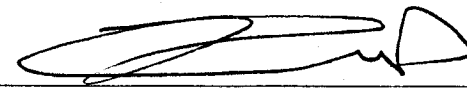
1 to the terms and conditions of probation. If Respondent re-applies for a medical license, the
2 application shall be treated as a petition for reinstatement of a revoked certificate.

3 16. PROBATION MONITORING COSTS. Respondent shall pay the costs associated
4 with probation monitoring each and every year of probation, as designated by the Board, which
5 may be adjusted on an annual basis. Such costs shall be payable to the Medical Board of
6 California and delivered to the Board or its designee no later than January 31 of each calendar
7 year.

8 ACCEPTANCE

9 I have carefully read this Stipulated Settlement and Disciplinary Order. I understand the
10 stipulation and the effect it will have on my Physician's and Surgeon's Certificate G 67994. I
11 enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and
12 intelligently, and agree to be bound by the Decision and Order of the Medical Board of
13 California.

14
15 DATED: 6/6/2014


16 GARY SCOTT RINZLER, M.D.
Respondent

17
18 I have read and fully discussed with Respondent, Gary Scott Rinzler, M.D., the terms and
19 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.
20 I approve its form and content.

21
22 DATED: 6-6-14


23 STEPHEN MICHAEL BOREMAN, ESQ.
Attorney for Respondent

24 ///

25 ///

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27 ///

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ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Medical Board of California.

Dated:

6/9/2014

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
THOMAS S. LAZAR
Supervising Deputy Attorney General

JANNSEN TAN
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 02-2011-218274

1 KAMALA D. HARRIS
Attorney General of California
2 THOMAS S. LAZAR
Supervising Deputy Attorney General
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7 *Attorneys for Complainant*

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO August 27 20 13
BY [Signature] ANALYST

8 **BEFORE THE**
9 **MEDICAL BOARD OF CALIFORNIA**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

Case No. 02-2011-218274

12 **GARY SCOTT RINZLER, M.D.**

3701 J Street, Suite 207

13 Sacramento, CA 95816

A C C U S A T I O N

14 Physician's and Surgeon's Certificate No. G 67994

15 Respondent.
16

17
18 Complainant alleges:

19 **PARTIES**

20 1. Kimberly Kirchmeyer (Complainant) brings this Accusation solely in her official
21 capacity as the Interim Executive Director of the Medical Board of California.

22 2. On or about February 5, 1990, the Medical Board of California issued Physician's and
23 Surgeon's Certificate Number G 67994 to Gary Scott Rinzler, M.D. (Respondent). The
24 Physician's and Surgeon's Certificate was in full force and effect at all times relevant to the
25 charges brought herein and will expire on May 31, 2015, unless renewed.

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JURISDICTION

3. This Accusation is brought before the Medical Board of California (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code (Code) unless otherwise indicated.

4. Section 2227 of the Code provides that a licensee who is found guilty under the Medical Practice Act may have his or her license revoked, suspended for a period not to exceed one year, placed on probation and required to pay the costs of probation monitoring, be publicly reprimanded and ordered to complete relevant educational courses, or have such other action taken in relation to discipline as the Board or an administrative law judge deems proper.

5. Section 2234 of the Code states:

“The [B]oard shall take action against any licensee who is charged with unprofessional conduct. In addition to other provisions of this article, unprofessional conduct includes, but is not limited to, the following:

“(a) Violating or attempting to violate, directly or indirectly, assisting in or abetting the violation of, or conspiring to violate any provision of this chapter [Chapter 5, the Medical Practice Act].

“(b) Gross negligence.

“...”

6. Unprofessional conduct under California Business and Professions Code section 2234 is conduct which breaches the rules or ethical code of the medical profession, or conduct which is unbecoming a member in good standing of the medical profession, and which demonstrates an unfitness to practice medicine. (*Shea v. Board of Medical Examiners* (1978) 81 Cal.App.3d 564, 575.)

7. Section 725 of the Code provides:

“(a) Repeated acts of clearly excessive prescribing, furnishing, dispensing, or administering of drugs or treatment, repeated acts of clearly excessive use of diagnostic procedures, or repeated acts of clearly excessive use of diagnostic or treatment facilities as determined by the standard of the community of licensees is unprofessional conduct for a

1 physician and surgeon, dentist, podiatrist, psychologist, physical therapist, chiropractor,
2 optometrist, speech-language pathologist, or audiologist.”

3 “...”

4 8. Section 2242 of the Code provides:

5 “(a) Prescribing, dispensing, or furnishing dangerous drugs as defined in Section 4022
6 without an appropriate prior examination and a medical indication, constitutes unprofessional
7 conduct.”

8 “...”

9 9. Section 4021 of the Code states:

10 “‘Controlled substance’ means any substance listed in Chapter 2 (commencing with
11 Section 11053) of Division 10 of the Health and Safety Code.”

12 10. Section 4022 of the Code states:

13 “‘Dangerous drug’ or ‘dangerous device’ means any drug or device unsafe for self-use in
14 humans or animals, and includes the following:

15 “(a) Any drug that bears the legend: ‘Caution: federal law prohibits dispensing
16 without prescription,’ ‘Rx only,’ or words of similar import.

17 “...

18 “(c) Any other drug or device that by federal or state law can be lawfully dispensed
19 only on prescription or furnished pursuant to Section 4006.”

20 **FIRST CAUSE FOR DISCIPLINE**
21 **(Gross Negligence)**

22 11. Respondent is subject to disciplinary action under section under sections 2227 and
23 2234, as defined by section 2234, subdivision (b), in that he committed gross negligence in his
24 care and treatment of patients M.M. and S.R., as more particularly alleged hereinafter.

25 12. Respondent is a physician and surgeon, board certified in physical medicine and
26 rehabilitation. During the period of 2000 to October, 2011, Respondent was employed by Kaiser
27 Foundation Hospitals South Sacramento (Kaiser).

28 ///

1 Patient M.M.

2 13. Patient M.M. is Respondent's sister-in-law, who became a Kaiser patient on or about
3 January 6, 2009. Respondent prescribed lorazepam¹ and zolpidem² for her sleep and muscle pain
4 respectively.

5 14. On or about January 23, 2009, another Kaiser doctor saw M.M. and discontinued her
6 lorazepam 2mg and zolpidem.

7 15. On or about January 30, 2009, Respondent noted that he received a call from M.M.
8 asking that she be put back on lorazepam and zolpidem. Respondent approved her refill for
9 lorazepam and zolpidem and told her that she needed to come in for a complete exam.
10 Respondent did not note a treatment plan or sufficient medical indication to prescribe the drugs.

11 16. During the period of March 2009, Respondent reminded M.M. that she needed to
12 come in for a full examination. In addition to lorazepam and zolpidem, Respondent prescribed
13 her hydrocodone/acetaminophen 10/350 at 90.³ Respondent did not note any treatment plan.

14 17. During the period of April 2009, Respondent prescribed lorazepam, zolpidem and
15 hydrocodone/acetaminophen 10/350 at 90. Respondent did not note any treatment plan.

16 18. On or about April 13, 2009, Respondent noted that M.M. called stating that she is
17 having problems with her refills. She also stated that she overdid it in a marathon and asked for
18 larger quantity of drugs so she did not have to come in frequently for refills. M.M. also told
19 Respondent that she had been on Prozac (Fluoxetine)⁴ in the past and wanted to start it again.

20 ¹ Lorazepam is a psychotropic drug for the management of anxiety disorders and sedation
21 or for short-term relief of the symptoms of anxiety. It is a schedule IV controlled substance
22 pursuant to Health and Safety Code section 11057 and a dangerous drug pursuant to Section
23 4022.

23 ² Zolpidem is a non-benzodiazepene sedative-hypnotic for the short term treatment of
24 insomnia. Zolpidem produces muscle relaxation and anticonvulsant effects only at doses much
25 higher than the hypnotic dose. It is a schedule IV controlled substance pursuant to Health and
26 Safety Code section 11057 and a dangerous drug pursuant to Section 4022.

25 ³ Hydrocodone bitartrate and acetaminophen is a Schedule II controlled substance
26 pursuant to Health and Safety Code section 11055 (b)(1)(I), a dangerous drug pursuant to Section
27 4022, and is used to treat moderate to severe pain.

27 ⁴ Prozac is the trade name for fluoxetine hydrochloride, an antidepressant and a
28 dangerous drug within the meaning of Business and Professions Code 4022.

Respondent prescribed hydrocodone/Acetaminophen 10-325 at 180, fluoxetine 20 mg. at 100, lorazepam 2 mg at 60. Respondent did not note any treatment plan.

19. During the period of May 2009 to August 2009, Respondent continued to prescribe and refill M.M.'s hydrocodone/acetaminophen 10-325 at 180, fluoxetine 20 mg. at 100, and lorazepam 2 mg at 60. Respondent did not note any treatment plan.

20. On or about August 6, 2009, Respondent notes that "Although sizeable doses, she remains without adverse side effects and fully functional at these levels, over several years (even before joining KP apparently?)." Respondent did not note any treatment plan.

21. During the period of August 2009 to August 2010, M.M. would ask for refills and early refills using various reasons to justify the early refill. Respondent did not create a treatment plan for patient M.M. consistent with the Board guidelines for the treatment of pain. Respondent did not perform regularly updated appropriate physical exams of patient M.M. to ensure that she was not misusing drugs.

22. During the period of November 2010 to December 2011, Respondent prescribed the following controlled substances and dangerous drugs to M.M.:

DATE FILED	LAST NAME	FIRST NAME	DRUG NAME	STRENGTH	QTY	RX #
11/8/2010	M.	M.	LORAZEPAM	2 MG	90	4401296
11/8/2010	M.	M.	APAP/ HYDROCODONE BITARTRATE	325 MG - 10 MG	180	4401298
11/8/2010	M.	M.	ZOLIPIDEM TARTRATE	10 MG	30	4401297
11/15/2010	M.	M.	APAP/ HYDROCODONE BITARTRATE	325 MG - 10 MG	180	190463
11/15/2010	M.	M.	ZOLIPIDEM TARTRATE	10 MG	60	190464
11/15/2010	M.	M.	LORAZEPAM	2 MG	90	190465
11/29/2010	M.	M.	LORAZEPAM	2 MG	90	4401404
11/29/2010	M.	M.	APAP/ HYDROCODONE BITARTRATE	325 MG - 10 MG	180	4401403
11/29/2010	M.	M.	ZOLIPIDEM TARTRATE	10 M	60	4401405
12/14/2010	M.	M.	APAP/ HYDROCODONE BITARTRATE	325 MG - 10 MG	180	195252
12/14/2010	M.	M.	ZOLIPIDEM TARTRATE	10 MG	60	195254
12/14/2010	M.	M.	LORAZEPAM	2 MG	90	195253
12/27/2010	M.	M.	APAP/ HYDROCODONE BITARTRATE	325 MG - 10 MG	180	4401536

1	12/27/2010	M.	M.	LORAZEPAM	2 MG	90	4401404
2	12/27/2010	M.	M.	ZOLIPIDEM TARTRATE	10 MG	60	440105
3	12/27/2010	M.	M.	LORAZEPAM	2 MG	90	4401404
4	12/27/2010	M.	M.	APAP/ HYDROCODONE BITARTRATE	325 MG - 10 MG	180	4401536
5	12/27/2010	M.	M.	ZOLIPIDEM TARTRATE	10 MG	60	4401405
6	1/10/2011	M.	M.	LORAZEPAM	2 MG	90	199410
7	1/10/2011	M.	M.	APAP/ HYDROCODONE BITARTRATE	325 MG - 10 MG	180	199407
8	1/10/2011	M.	M.	ZOLIPIDEM TARTRATE	10 MG	60	199409
9	1/10/2011	M.	M.	APAP/ HYDROCODONE BITARTRATE	325 MG - 10 MG	180	199407
10	1/10/2011	M.	M.	ZOLIPIDEM TARTRATE	10 MG	60	199409
11	1/10/2011	M.	M.	LORAZEPAM	2 MG	90	199410
12	1/24/2011	M.	M.	ZOLIPIDEM TARTRATE	10 MG	60	4401538
13	1/24/2011	M.	M.	LORAZEPAM	2 MG	90	4401537
14	1/24/2011	M.	M.	APAP/ HYDROCODONE BITARTRATE	325 MG - 10 MG	180	4401536
15	1/24/2011	M.	M.	LORAZEPAM	2 MG	90	4401537
16	1/24/2011	M.	M.	APAP/ HYDROCODONE BITARTRATE	325 MG - 10 MG	180	4401536
17	1/24/2011	M.	M.	ZOLIPIDEM TARTRATE	10 MG	60	4401538
18	2/6/2011	M.	M.	LORAZEPAM	2 MG	90	104171
19	2/6/2011	M.	M.	ZOLIPIDEM TARTRATE	10 MG	60	204172
20	2/6/2011	M.	M.	APAP/ HYDROCODONE BITARTRATE	325 MG - 10 MG	180	204170
21	2/6/2011	M.	M.	APAP/ HYDROCODONE BITARTRATE	325 MG - 10 MG	180	204170
22	2/6/2011	M.	M.	ZOLIPIDEM TARTRATE	10 MG	60	204172
23	2/6/2011	M.	M.	LORAZEPAM	2 MG	90	204171
24	2/24/2011	M.	M.	APAP/ HYDROCODONE BITARTRATE	325 MG - 10 MG	180	4401830
25	2/24/2011	M.	M.	LORAZEPAM	2 MG	90	4401832
26	2/24/2011	M.	M.	ZOLIPIDEM TARTRATE	10 MG	60	4401831
27	2/24/2011	M.	M.	LORAZEPAM	2 MG	90	4401832
28	2/24/2011	M.	M.	APAP/ HYDROCODONE BITARTRATE	325 MG - 10 MG	180	4401830
	2/24/2011	M.	M.	ZOLIPIDEM TARTRATE	10 MG	60	4401831
	3/10/2011	M.	M.	APAP/ HYDROCODONE BITARTRATE	325 MG - 10 MG	180	204170
	3/10/2011	M.	M.	ZOLIPIDEM TARTRATE	10 MG	60	204172
	3/10/2011	M.	M.	LORAZEPAM	2 MG	90	204171
	3/10/2011	M.	M.	APAP/ HYDROCODONE BITARTRATE	325 MG - 10 MG	180	204170

1	3/10/2011	M.	M.	ZOLIPIDEM TARTRATE	10 MG	60	204172
	3/10/2011	M.	M.	LORAZEPAM	2 MG	90	204171
2	3/24/2011	M.	M.	LORAZEPAM	2 MG	90	4401832
3	3/24/2011	M.	M.	ZOLIPIDEM TARTRATE	10 MG	60	4401831
4	3/24/2011	M.	M.	APAP/ HYDROCODONE BITARTRATE	325 MG - 10 MG	180	4401830
5	3/24/2011	M.	M.	LORAZEPAM	2 MG	90	4401832
6	3/24/2011	M.	M.	APAP/ HYDROCODONE BITARTRATE	325 MG - 10 MG	180	4401830
7	3/24/2011	M.	M.	ZOLIPIDEM TARTRATE	10 MG	60	4401831
	4/11/2011	M.	M.	ZOLIPIDEM TARTRATE	10 M	60	204172
8	4/11/2011	M.	M.	APAP/ HYDROCODONE BITARTRATE	325 MG - 10 MG	180	214849
9	4/11/2011	M.	M.	LORAZEPAM	2 MG	90	204171
10	4/23/2011	M.	M.	LORAZEPAM	2 MG	90	4401987
11	4/23/2011	M.	M.	APAP/ HYDROCODONE BITARTRATE	325 MG - 10 MG	180	4401986
12	4/23/2011	M.	M.	ZOLIPIDEM TARTRATE	10 MG	60	4401988
	5/11/2011	M.	M.	APAP/ HYDROCODONE BITARTRATE	325 MG - 10 MG	180	220210
13	5/11/2011	M.	M.	LORAZEPAM	2 MG	90	220211
14	5/11/2011	M.	M.	ZOLIPIDEM TARTRATE	10 MG	60	220212
15	5/24/2011	M.	M.	LORAZEPAM	2 MG	90	4402252
	5/24/2011	M.	M.	APAP/ HYDROCODONE BITARTRATE	325 MG - 10 MG	180	4402251
16	5/24/2011	M.	M.	ZOLIPIDEM TARTRATE	10 MG	60	4402253
17	6/2/2011	M.	M.	APAP/ HYDROCODONE BITARTRATE	325 MG - 10 MG	180	214849
18	6/2/2011	M.	M.	ZOLIPIDEM TARTRATE	10 MG	60	220212
19	6/2/2011	M.	M.	LORAZEPAM	2 MG	90	220211
	6/14/2011	M.	M.	APAP/ HYDROCODONE BITARTRATE	325 MG - 10 MG	180	4402347
20	6/14/2011	M.	M.	ZOLIPIDEM TARTRATE	10 MG	60	4402349
21	6/14/2011	M.	M.	APAP/ HYDROCODONE BITARTRATE	325 MG - 10 MG	180	4402347
22	6/14/2011	M.	M.	ZOLIPIDEM TARTRATE	10 MG	60	4402349
23	6/15/2011	M.	M.	LORAZEPAM	2 MG	90	4402348
24	6/15/2011	M.	M.	LORAZEPAM	2 MG	90	4402348
	7/3/2011	M.	M.	APAP/ HYDROCODONE BITARTRATE	325 MG - 10 MG	180	223945
25	7/3/2011	M.	M.	ZOLIPIDEM TARTRATE	10 MG	60	223948
26	7/3/2011	M.	M.	LORAZEPAM	2 MG	90	223946
27	7/3/2011	M.	M.	ZOLIPIDEM TARTRATE	10 MG	60	223948
28	7/3/2011	M.	M.	APAP/ HYDROCODONE BITARTRATE	325 MG - 10 MG	180	223945

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7/3/2011	M.	M.	LORAZEPAM	2 MG	90	223946
7/26/2011	M.	M.	LORAZEPAM	2 MG	90	4402548
7/26/2011	M.	M.	APAP/ HYDROCODONE BITARTRATE	325 MG - 10 MG	180	4402549
7/26/2011	M.	M.	ZOLIPIDEM TARTRATE	10 MG	60	4402550
7/26/2011	M.	M.	LORAZEPAM	2 MG	90	4402548
7/26/2011	M.	M.	APAP/ HYDROCODONE BITARTRATE	325 MG - 10 MG	180	4402549
7/26/2011	M.	M.	ZOLIPIDEM TARTRATE	10 MG	60	4402550
7/26/2011	M.	M.	ZOLIPIDEM TARTRATE	10 MG	60	4402550
7/26/2011	M.	M.	LORAZEPAM	2 MG	90	4402548
7/26/2011	M.	M.	APAP/ HYDROCODONE BITARTRATE	325 MG - 10 MG	180	4402549
8/15/2011	M.	M.	APAP/ HYDROCODONE BITARTRATE	325 MG - 10 MG	180	223945
8/15/2011	M.	M.	ZOLIPIDEM TARTRATE	10 MG	60	223948
8/15/2011	M.	M.	LORAZEPAM	2 MG	90	223946
8/15/2011	M.	M.	APAP/ HYDROCODONE BITARTRATE	325 MG - 10 MG	180	223945
8/15/2011	M.	M.	ZOLIPIDEM TARTRATE	10 MG	60	223948
8/15/2011	M.	M.	LORAZEPAM	2 MG	90	223946
8/15/2011	M.	M.	APAP/ HYDROCODONE BITARTRATE	325 MG - 10 MG	180	223945
8/15/2011	M.	M.	LORAZEPAM	2 MG	90	223946
8/15/2011	M.	M.	ZOLIPIDEM TARTRATE	10 MG	60	223948
8/29/2011	M.	M.	ZOLIPIDEM TARTRATE	10 MG	60	4402550
8/29/2011	M.	M.	APAP/ HYDROCODONE BITARTRATE	325 MG - 10 MG	180	4402549
8/29/2011	M.	M.	LORAZEPAM	2 MG	90	4402548
8/29/2011	M.	M.	LORAZEPAM	2 MG	90	4402548
8/29/2011	M.	M.	APAP/ HYDROCODONE BITARTRATE	325 MG - 10 MG	180	4402549
8/29/2011	M.	M.	ZOLIPIDEM TARTRATE	10 MG	60	4402550
8/29/2011	M.	M.	LORAZEPAM	2 MG	90	4402548
8/29/2011	M.	M.	ZOLIPIDEM TARTRATE	10 MG	60	4402550
8/29/2011	M.	M.	APAP/ HYDROCODONE BITARTRATE	325 MG - 10 MG	180	4402549
9/21/2011	M.	M.	LORAZEPAM	2MG	90	223946
9/21/2011	M.	M.	APAP/ HYDROCODONE BITARTRATE	325 MG - 10 MG	180	223945
9/21/2011	M.	M.	ZOLIPIDEM TARTRATE	10 MG	60	223948
9/21/2011	M.	M.	APAP/ HYDROCODONE BITARTRATE	325 MG - 10 MG	180	223945
9/21/2011	M.	M.	LORAZEPAM	2 MG	90	223946
9/21/2011	M.	M.	ZOLIPIDEM TARTRATE	10 MG	60	223948

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				APAP/ HYDROCODONE			
	9/21/2011	M.	M.	BITARTRATE	325 MG - 10 MG	180	223945
	9/21/2011	M.	M.	LORAZEPAM	2 MG	90	223946
	9/21/2011	M.	M.	ZOLIPIDEM TARTRATE	10 MG	60	223948
	9/21/2011	M.	M.	LORAZEPAM	2 MG	90	223946
	9/21/2011	M.	M.	ZOLIPIDEM TARTRATE	10 MG	60	223948
				APAP/ HYDROCODONE			
	9/21/2011	M.	M.	BITARTRATE	325 MG - 10 MG	180	223945
				APAP/ HYDROCODONE			
	9/21/2011	M.	M.	BITARTRATE	325 MG - 10 MG	180	223945
	9/21/2011	M.	M.	ZOLIPIDEM TARTRATE	10 MG	60	223948
	9/21/2011	M.	M.	LORAZEPAM	2 MG	90	223946
	10/5/2011	M.	M.	ZOLIPIDEM TARTRATE	10 MG	60	4402696
				APAP/ HYDROCODONE			
	10/5/2011	M.	M.	BITARTRATE	325 MG - 10 MG	180	4402697
	10/5/2011	M.	M.	LORAZEPAM	2 MG	90	4402698
	10/5/2011	M.	M.	LORAZEPAM	2 MG	90	4402698
				APAP/ HYDROCODONE			
	10/5/2011	M.	M.	BITARTRATE	325 MG - 10 MG	180	4402697
	10/5/2011	M.	M.	ZOLIPIDEM TARTRATE	10 MG	60	4402696
	10/5/2011	M.	M.	ZOLIPIDEM TARTRATE	10 MG	60	4402696
	10/5/2011	M.	M.	LORAZEPAM	2 MG	90	4402698
				APAP/ HYDROCODONE			
	10/5/2011	M.	M.	BITARTRATE	325 MG - 10 MG	180	4402697
	10/5/2011	M.	M.	ZOLIPIDEM TARTRATE	10 MG	60	4402696
				APAP/ HYDROCODONE			
	10/5/2011	M.	M.	BITARTRATE	325 MG - 10 MG	180	4402697
	10/5/2011	M.	M.	LORAZEPAM	2 MG	90	4402698
	10/5/2011	M.	M.	LORAZEPAM	2 MG	90	4402698
				APAP/ HYDROCODONE			
	10/5/2011	M.	M.	BITARTRATE	325 MG - 10 MG	180	4402697
	10/5/2011	M.	M.	ZOLIPIDEM TARTRATE	10 MG	60	4402696
				APAP/ HYDROCODONE			
	10/20/2011	M.	M.	BITARTRATE	500 MG -5 MG	15	4412658
				APAP/ HYDROCODONE			
	10/20/2011	M.	M.	BITARTRATE	500 MG -5 MG	15	4412658
	10/31/2011	M.	M.	ZOLIPIDEM TARTRATE	10 MG	60	220212
	10/31/2011	M.	M.	LORAZEPAM	2 MG	90	247763
				APAP/ HYDROCODONE			
	10/31/2011	M.	M.	BITARTRATE	325 MG - 10 MG	180	247777
	10/31/2011	M.	M.	LORAZEPAM	2 MG	90	247763
	10/31/2011	M.	M.	ZOLIPIDEM TARTRATE	10 MG	60	220212
				APAP/ HYDROCODONE			
	10/31/2011	M.	M.	BITARTRATE	325 MG - 10 MG	180	247777
	10/31/2011	M.	M.	ZOLIPIDEM TARTRATE	10 MG	60	220212

1	10/31/2011	M.	M.	APAP/ HYDROCODONE BITARTRATE	325 MG - 10 MG	180	247777
2	10/31/2011	M.	M.	LORAZEPAM	2 MG	90	247763
3	11/15/2011	M.	M.	APAP/ HYDROCODONE BITARTRATE	325 MG - 10 MG	180	4402697
4	11/15/2011	M.	M.	ZOLIPIDEM TARTRATE	10 MG	60	4402696
5	11/15/2011	M.	M.	LORAZEPAM	2 MG	90	4402698
6	11/15/2011	M.	M.	ZOLIPIDEM TARTRATE	10 MG	60	4402696
7	11/15/2011	M.	M.	LORAZEPAM	2 MG	90	4402698
8	11/15/2011	M.	M.	APAP/ HYDROCODONE BITARTRATE	325 MG - 10 MG	180	4402697
9	11/15/2011	M.	M.	ZOLIPIDEM TARTRATE	10 MG	60	4402696
10	11/15/2011	M.	M.	LORAZEPAM	2 MG	90	4402698
11	12/12/2011	M.	M.	LORAZEPAM	2 MG	90	254353
12	12/12/2011	M.	M.	APAP/ HYDROCODONE BITARTRATE	325 MG - 10 MG	180	254352
13	12/12/2011	M.	M.	LORAZEPAM	2 MG	90	254353

23. On or about September 19, 2012, Respondent was interviewed by a Board Investigator. Respondent acknowledged that he had been "lenient" with M.M and that she repeatedly had shown aberrant behavior in the form of lost or otherwise misplaced medications that Respondent replaced at one to two week intervals over the course of a year.

24. Respondent committed gross negligence in his care and treatment of patient M.M. which included, but was not limited to the following:

a. Prescribing excessive amounts of hydrocodone bitartrate and acetaminophen, zolpidem and lorazepam to patient M.M.

Patient SR

25. S.R. is Respondent's wife who was a Kaiser patient starting on or about February 5, 2009. Respondent intermittently saw S.R. during the period of February 5, 2009 to September 2010 and prescribed carisoprodol⁵ to S.R. for pain due to surgery. S.R. was also treated by

⁵ Soma is a brand name for carisoprodol, a central-acting oral skeletal muscle relaxant. Soma is a dangerous drug pursuant to Section 4022 and, effective January 12, 2012, was reclassified as a Schedule IV controlled substance pursuant to Health and Safety Code section (continued...)

various Kaiser doctors during this time. During the period of September 2010 to September 2012, Respondent treated S.R. and prescribed carisoprodol and other dangerous drugs to her on the following dates:

TARGET PHARMACY

Date Filled	Last Name	First Name	Drug Name	Strength	Qty	RX#
10/18/2010	R.	S.	CARISOPRODOL	350 MG	120	6608581
12/20/2010	R.	S.	CARISOPRODOL	350 MG	120	6610541
1/27/2011	R.	S.	CARISOPRODOL	350 MG	120	6610541
2/21/2011	R.	S.	CARISOPRODOL	350 MG	120	6612334
3/25/2011	R.	S.	CARISOPRODOL	350 MG	120	6613313
4/22/2011	R.	S.	CARISOPRODOL	350 MG	120	6613313
5/17/2011	R.	S.	CARISOPRODOL	350 MG	120	6613313
6/21/2011	R.	S.	CARISOPRODOL	350 MG	120	6616046
7/18/2011	R.	S.	CARISOPRODOL	350 MG	120	6616800
8/14/2011	R.	S.	CARISOPRODOL	350MG	120	6616800
9/9/2011	R.	S.	CARISOPRODOL	350 MG	120	6616800
10/22/2011	R.	S.	CARISOPRODOL	350 MG	120	6620033

CVS PHARMACY

12/2/2010	R.	S.	CARISOPRODOL	350 MG	120	193103
1/2/2011	R.	S.	CARISOPRODOL	350 MG	120	193103
2/3/2011	R.	S.	CARISOPRODOL	350 MG	120	193103
2/3/2011	R.	S.	TRAMADOL	50 MG	90	203836
3/5/2011	R.	S.	CARISOPRODOL	350 MG	120	208895
4/6/2011	R.	S.	CARISOPRODOL	350 MG	120	214121
5/4/2011	R.	S.	CARISOPRODOL	350 MG	120	214121
6/7/2011	R.	S.	CARISOPRODOL	350 MG	120	214121
7/5/2011	R.	S.	CARISOPRODOL	350 MG	120	229134
8/6/2011	R.	S.	CARISOPRODOL	350 MG	120	229134
9/3/2011	R.	S.	CARISOPRODOL	350 MG	120	229134
10/8/2011	R.	S.	CARISOPRODOL	350 MG	120	244034

KAISER PHARMACY

9/30/2011	R.	S.	CARISOPRODOL	350 MG	120	1678461
11/8/2010	R.	S.	RETIN - A	0.05% CREAM	45	1582821
11/26/2010	R.	S.	CARISOPRODOL	350 MG	120	1550337
12/23/2010	R.	S.	CARISOPRODOL	350 MG	120	3925719

11057. It is used to treat musculoskeletal pain.

FOURTH CAUSE FOR DISCIPLINE
(Prescribing Dangerous Drugs without Appropriate Examination or Medical Indication)

29. Respondent is further subject to disciplinary action under sections 2227 and 2234, as defined by section 2242, of the Code, in that he prescribed controlled substances and dangerous drugs to M.M. without an appropriate medical examination or medical indication, as more particularly alleged hereinafter: Paragraphs 11 through 24, above, are hereby incorporated by reference and realleged as if fully set forth herein.

FIFTH CAUSE FOR DISCIPLINE
(General Unprofessional Conduct)

30. Respondent is further subject to disciplinary action under sections 2227 and 2234, as defined by section 2234, of the Code, in that he has engaged in conduct which breaches the rules or ethical code of the medical profession, or conduct which is unbecoming a member in good standing of the medical profession, and which demonstrates an unfitness to practice medicine, as more particularly alleged hereinafter: Paragraphs 11 through 29, above, are hereby incorporated by reference and realleged as if fully set forth herein.

31. During the period of September 2010 to September 2012, Respondent treated himself and prescribed the following dangerous drugs to himself:

TARGET PHARMACY

Date Filled	Last Name	First Name	Drug Name	Strength	Qty	RX#
11/12/2010	R.	G.	CARISOPRODOL	350 MG	120	6609427
12/12/2010	R.	G.	CARISOPRODOL	350 MG	120	6609427
1/15/2011	R.	G.	CARISOPRODOL	350 MG	120	6609427
2/15/2011	R.	G.	CARISOPRODOL	350 MG	120	6608318
3/18/2011	R.	G.	CARISOPRODOL	350 MG	120	6613098
4/15/2011	R.	G.	CARISOPRODOL	350 MG	120	6613950
5/24/2011	R.	G.	CARISOPRODOL	350 MG	120	6613950
6/27/2011	R.	G.	CARISOPRODOL	350 MG	120	6616208
7/25/2011	R.	G.	CARISOPRODOL	350 MG	120	6616208
8/21/2011	R.	G.	CARISOPRODOL	350 MG	120	6616208
9/15/2011	R.	G.	CARISOPRODOL	350 MG	120	9918648
10/14/2011	R.	G.	CARISOPRODOL	350 MG	120	6618648

CVS PHARMACY

12/7/2010	R.	G.	CARISOPRODOL	350 MG	120	194142
1/8/2011	R.	G.	CARISOPRODOL	350 MG	120	194142
2/10/2011	R.	G.	CARISOPRODOL	350 MG	120	194142
3/5/2011	R.	G.	CARISOPRODOL	350 MG	120	194142
4/6/2011	R.	G.	CARISOPRODOL	350 MG	120	194142
5/4/2011	R.	G.	CARISOPRODOL	350 MG	120	194142
5/5/2011	R.	G.	ZOLPIDEM	10 MG	3	219239
6/7/2011	R.	G.	CARISOPRODOL	350 MG	120	194142
7/5/2011	R.	G.	CARISOPRODOL	350 MG	120	229135
7/31/2011	R.	G.	CARISOPRODOL	350 MG	120	229135
8/27/2011	R.	G.	CARISOPRODOL	350 MG	120	229135
9/24/2011	R.	G.	CARISOPRODOL	350 MG	120	241767

KAISER PHARMACY

12/13/2010	R.	G.	DIOVAN	160 MG	80 TABS	3922653
12/13/2010	R.	G.	ADVAIR	100/50 DISKUS	60 EACH	3922666
12/13/2010	R.	G.	ALBUTEROL	90 MCG	8.5 MGS	3922678
12/23/2010	R.	G.	CRESTOR	20 MG	90	3922665
2/11/2011	R.	G.	ALBUTEROL	90 MCG	8.5 GMS	3941804
2/18/2011	R.	G.	DIOVAN	160 MG	80	3941802
4/28/2011	R.	G.	ALBUTEROL	90 MCG	8.5 GMS	1634482
4/29/2011	R.	G.	DIOVAN	160 MG	200	1634472
6/23/2011	R.	G.	CRESTOR	20 MG	90	164478
9/14/2011	R.	G.	CLONIDINE	0.1 MG	180	1673660
9/15/2011	R.	G.	DIOVAN	160 MG	180	1674190

32. Respondent engaged in unprofessional conduct in that he prescribed dangerous drugs to himself.

SIXTH CAUSE FOR DISCIPLINE
(Failure to Maintain Adequate and Accurate Medical Records)

33. Respondent is further subject to discipline under sections 2227 and 2234, as defined by section 2266, of the Code, in that he failed to maintain adequate and accurate medical records in the care and treatment of patient M.M. and himself, as more particularly alleged hereinafter.

1 Paragraphs 11 through 32, above, are hereby incorporated by reference and realleged as if fully
2 set forth herein.

3 **PRAYER**

4 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
5 and that following the hearing, the Medical Board of California issue a decision:

- 6 1. Revoking or suspending Physician's and Surgeon's Certificate Number G 67994,
7 issued to Respondent Gary Scott Rinzler, M.D.
- 8 2. Revoking, suspending or denying approval of Respondent Gary Scott Rinzler, M.D.'s
9 authority to supervise physician assistants, pursuant to section 3527 of the Code;
- 10 3. If Respondent Gary Scott Rinzler, M.D., is placed on probation, ordering him to pay
11 the Medical Board of California the costs of probation monitoring; and
- 12 4. Taking such other and further action as deemed necessary and proper.

13
14 DATED: August 27, 2013


KIMBERLY KIRCHMEYER
Interim Executive Director
Medical Board of California
State of California

Complainant

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